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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,586	02/12/2002	Jerry Kupsh	3356/OKO43	5372
7278	7590	06/15/2005	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/074,586

Applicant(s)

KUPSH ET AL.

Examiner

Julio R. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-8, 10, 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarnanen (6085100) in view of Tarkiainen et al. (20010041560).

Regarding claim 1, Tarnanen discloses a method for tracking messages delivered via a short message service (SMS) comprising the steps of: receiving, at a gateway, a message destined for a mobile device (col. 3, lines 1-14; col. 5, lines 9-21; col. 6, lines 24-27, a message is sent to a mobile device from an external source and arrives at a gateway database before being forwarded to the mobile station); assigning a unique identifier to the received message (col. 2, lines 32-37; col. 3, lines 1-14; col. 5, lines 9-21; col. 5, lines 9-21; col. 6, lines 24-37, an identifier is formed for the sent message); recording the unique identifier in a database (col. 2, lines 38-41; col. 3, lines 1-7; col. 6, lines 24-37; Fig. 2, the information about the message and its identifier are stored in a database); and forwarding the received message from the gateway to the mobile device, wherein the forwarded message sent from the gateway to the mobile

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device includes an origination address, the origination address being derived from the unique identifier (col. 2, lines 55-67; col. 5, lines 28-67; col. 6, lines 1-37, the message delivered to the mobile station including the origination address corresponding to the address that transmitted the message).

Tarnanen does not explicitly disclose the recording the received message and allowing either a sender or a recipient of the message to access and view the

However, Tarkiainen et al. teach the transmission of messages conducted in a manner that the user of the message writes a text message, which is sent to a short-message service center that controls the transmission of the short messages and the user may acquire its messages at any given time for displaying in the receiving device (page 1, pars. 0004, 0008, 0009; page 3, par. 0026; page 6, par. 0054).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system as taught by Tarnanen by implementing the system with mechanisms to store the messages in the system because it would provide Tarnanen's system with the enhanced capability of holding the text messages for the user to be able to visualize them whenever the user is available.

Regarding claim 2, Tarnanen discloses, the step of sending the message to a short message service center (SMSC) (col. 5, lines 12-14; Fig. 2, ref. 2, the message is passed via an SMSC).

Regarding claim 5, Tarnanen discloses, wherein the origination address of the message sent from the gateway to the mobile device includes the unique identifier (col.

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2, lines 32-37; col. 3, lines 1-14; col. 5, lines 9-21; col. 5, lines 9-21; col. 6, lines 24-37, an identifier is formed to identify the short message, including the origination address of the message sent).

Regarding claim 6, Tarnanen discloses the method, including the further steps of: receiving, at the gateway, a reply to the message from the mobile device (col. 2, lines 55-67, a reply is passed to the gateway application); correlating the reply to the sent message (col. 2, lines 55-67; col. 3, lines 1-14; col. 5, lines 64-67; col. 6, lines 1-19, the gateway retrieves the original source address of the message to transmit a corresponding reply); and recording the correlated reply in the database (col. 3, lines 1-14; Fig. 2, refs. 3,4, a record of the response is stored in a database).

Regarding claim 7, Tarnanen discloses, wherein the destination address of the reply sent to the gateway is the origination address of the forwarded message (col. 5, lines 57-67; col. 6, lines 1-19, the reply will be sent to the address, corresponding to the originating message).

Regarding claim 8, the combination of Tarnanen and Tarkiainen teaches, including the further step of allowing either of the sender or the recipient to access and view the reply recorded in the reply recorded in the database (page 6, par. 0054).

Regarding claim 10, Tarnanen discloses a system for recording message sent from a first communication device connected to a first network to a second communication device connected to a second network, the system comprising: a database and a gateway, the database connected to the gateway and the gateway connected to the first and second network (col. 5, lines 9-46; Fig. 2, refs. 2-3, the

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system includes first and second networks, a gateway application, and data base; furthermore, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that gateways comprise means to administer data or information within, therefore, comprising means to monitor and process data), the gateway including a microprocessor which is programmed to: receive each of the plurality of messages from the first communication device destined for the second communication device (col. 3, lines 1-4; col. 5, lines 9-27; col. 6, lines 24-27, a message is sent to a mobile device from external sources, located on a different network, through the gateway), assign a unique identifier to the message (col. 2, lines 32-37; col. 3, lines 1-14; col. 5, lines 9-21; col. 5, lines 9-21; col. 6, lines 24-37, an identifier is formed for the sent message), and forward the message to the second communication device connected to the second network, wherein the origination address of the forwarded message is derived from the unique identifier (col. 2, lines 55-67; col. 5, lines 64-67; col. 6, lines 1-37, the message delivered to the mobile station including the origination address corresponding to the address that transmitted the message).

Tarnanen does not explicitly disclose the recording the received message and allowing either a sender or a recipient of the message to access and view the

However, Tarkiainen et al. teach the transmission of messages conducted in a manner that the user of the message writes a text message, which is sent to a short-message service center that controls the transmission of the short messages and the user may acquire its messages at any given time for displaying in the receiving device (page 1, pars. 0004, 0008, 0009; page 3, par. 0026; page 6, par. 0054).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system as taught by Tarnanen by implementing the system with mechanisms to store the messages in the system because it would provide Tarnanen's system with the enhanced capability of holding the text messages for the user to be able to visualize them whenever the user is available.

Regarding claim 15, Tarnanen discloses the system, wherein the second network is a short message service (SMS) network and the gateway is connected to a short message service center (SMSC) (col. 5, lines 12-14; Fig. 2, ref. 2, 3, the message is passed via an SMSC, where the SMSC is connected to the Gateway application).

4. Claims 3,4, 9, 11-13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarnanen (6085100) in view of Tarkianen (20010041560) and further in view of Moran et al. (20020086689).

Regarding claim 3, Tarnanen in view of Tarkianen does not explicitly disclose wherein the sender of the message received at the gateway communicates with the gateway via the Internet.

However, the preceding limitation is well known in the art of telecommunications.

Moran et al. teach a method for routing wireless messages using the Internet via a rerouting Gateway (Page 2, par. 0026; Fig. 2, ref. 76).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Tarnanen Internet

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routing means because it would provide the system with other alternatives of routing messages to selected destination devices efficiently and securely.

Regarding claim 4, Moran et al. teach the method, wherein the gateway is an Internet Gateway identified by a domain name, the domain name being included in the origination address of the message sent from the gateway to the mobile device (Page 2, pars. 0026-0027; 0031-0032).

Regarding claim 9, Moran et al. teach the method, wherein the message and reply are accessed using a web browser (Page 2, pars. 0026-0027; 0031-0032; Fig. 2).

Regarding claim 11, Moran et al. teach, wherein the first network is the Internet and the second network is the short message service (SMS) network (Page 2, pars. 0026-0027; 0031-0032; Fig. 2, refs. 76; 16, 28, 40, 50).

Regarding claim 12, Moran et al. teach the system, wherein the first communication device is a personal computer and the second communication device is a mobile device (Page 2, pars. 0026-0027; 0031-0032; Fig. 2, refs. 72-74; 84-90, the system comprises a computer as a sender and mobile phones as receivers).

Regarding claim 13, the combination of Moran et al. and Tarnanen teaches the system, wherein the first communication device communicates with the gateway via the Internet using a web browser (Moran, page 2, pars. 0026-0027; 0031-0032; Fig. 3, refs. 76, 94, 100, the system includes wireless terminals that connect to the Internet and able to retrieve information from a database collocated within the rerouting gateway).

Tarnanen or Moran does not explicitly disclose the gateway further to allow a user of either the first or second communication devices to access and view a reply message recorded in the database

However, Tarkiainen et al. teach the transmission of messages conducted in a manner that the user of the message writes a text message, which is sent to a short-message service center that controls the transmission of the short messages and the user may acquire its messages at any given time for displaying in the receiving device (page 1, pars. 0004, 0008, 0009; page 3, par. 0026; page 6, par. 0054).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system as taught by Tarnanen by implementing the system with mechanisms to store the messages in the system because it would provide Tarnanen's system with the enhanced capability of holding the text messages for the user to be able to visualize them whenever the user is available.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Pat. No. 6101393 to Alperovich et al.	Acceptance of short messages in cellular networks
US Pat. No. 6560456 TO Lohtia et al.	Providing data over the short message service
US Pub. No. 20030083078 to Allison et al.	Detention of Unwanted SMS

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP

6/1/05

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**